

November 14, 1950

Op. No. 50-252

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Willes

James B. Rolle, Esq.
Campbell, Rolle & Jones
P. O. Box 70
Yuma, Arizona

Dear Mr. Rolle:

We have your letter of November 9 in which you request the opinion of this office on the following question:

" * * * As to the second question, namely, whether the present council can adopt an ordinance fixing compensation for members of the next council to take office after they are duly elected next spring, I have reached no conclusion in that regard. It would appear, however, that Section 16-406 has application only to compensation for present members of the council during the term for which the present council was elected and that by implication at least it would seem that it may be possible for the present council to legislate compensation for their successors. * * *"

With respect to the town or city council fixing compensation for its own members, you have correctly cited the law. There exists a distinct prohibition against such procedure.

While your letter is not quite clear as to the class of city or town to which you refer, we presume that in view of your reference to Section 16-406 ACA 1939, you have in mind cities and towns referred to in Article 4 of Chapter 16 which concern cities or towns not organized under Articles 1 and 2 of said Chapter 16, and we believe that Section 16-406 relates to these two classes only. The first refers to towns of less than six hundred voters as described by Section 16-402 ACA 1939, and Section 16-403 ACA 1939 specifically directs that "the mayor and councilmen, other than the treasurer, shall receive no compensation."

James B. Rolle, Esq.
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The second refers to cities between six hundred and eight hundred fifty voters, defined in Section 16-405, which makes no mention of compensation to be paid the mayor and councilmen.

Reading all of Article 4 of Chapter 16 together, there appears no authority whatsoever for the payment of compensation to the mayor and councilmen of towns of the classes described therein, and so the answer to your question is that members of the council may not fix compensation for themselves nor for any future councilmen.

If this does not fully answer your question or if we have missed the point which you intended to present, please feel free to call upon us further.

Please accept our thanks for your good wishes.

With kindest personal regards and best wishes, we
are

Sincerely yours,

FRED O. WILSON
Attorney General

PHIL J. MUNCH
Assistant Attorney General

PJM:mw